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|   |                          |                 |  |
|---|--------------------------|-----------------|--|
| <b>DECLARATION FOR UTILITY OR<br/>DESIGN<br/>PATENT APPLICATION<br/>(37 CFR 1.63)</b>   | Attorney Docket Number   | MAE-WW-3        |  |
|   | First Named Inventor     | Paul Weatherbee |  |
|   | <b>COMPLETE IF KNOWN</b> |                 |  |
|   | Application Number       |                 |  |
|   | Filing Date              |                 |  |
|   | Art Unit                 |                 |  |
| <input checked="" type="checkbox"/> Declaration Submitted With Initial Filing         OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required) |                          | Examiner Name   |  |

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Pulsatile Blood Pumping System

(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY)  as United States Application Number or PCT InternationalApplication Number  and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority<br>Not Claimed  | Certified Copy Attached? |                          |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |         |                                     |                          | Yes                      | No                       |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.


[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**DECLARATION — Utility or Design Patent Application**

|   |  |                |                           |   |   |  |  |
|---|--|----------------|---------------------------|---|---|--|--|
| Direct all correspondence to: <input type="checkbox"/> Customer Number: <input style="width: 100px;" type="text"/>  |  |                |                           | <b>OR</b>   |   | <input checked="" type="checkbox"/> Correspondence address below |  |
| Name<br>Michael A. Ervin  |  |                |                           |   |   |  |  |
| Address<br>8202 Talbot Cove   |  |                |                           |   |   |  |  |
| City<br>Austin  |  |                |                           | State<br>Texas  |   | ZIP<br>78746   |  |
| Country<br>USA  |  |                | Telephone<br>512-329-6085 |   | Fax<br>512-329-6085                     |  |  |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |  |                |                           |   |   |  |  |
| NAME OF SOLE OR FIRST INVENTOR:   |  |                |                           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |   |  |  |
| Given Name<br>(first and middle [if any])<br>Paul   |  |                |                           |   | Family Name<br>or Surname<br>Weatherbee |  |  |
| Inventor's Signature<br>  |  |                |                           |   |   | Date<br>4/13/2004  |  |
| Residence: City<br>Abilene  |  | State<br>Texas |                           | Country<br>USA  |   | Citizenship<br>USA   |  |
| Mailing Address<br>4025 Cougar Way  |  |                |                           |   |   |  |  |
| City<br>Abilene   |  | State<br>Texas |                           | ZIP<br>79606-2329   |   | Country<br>USA   |  |
| NAME OF SECOND INVENTOR:  |  |                |                           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |   |  |  |
| Given Name<br>(first and middle [if any])   |  |                |                           |   | Family Name<br>or Surname               |  |  |
| Inventor's Signature  |  |                |                           |   |   | Date   |  |
| Residence: City   |  | State          |                           | Country   |   | Citizenship  |  |
| Mailing Address   |  |                |                           |   |   |  |  |
| City  |  | State          |                           | ZIP   |   | Country  |  |
| <input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.  |  |                |                           |   |   |  |  |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

|                               |                                |
|-------------------------------|--------------------------------|
| <b>Application Number</b>     |                                |
| <b>Filing Date</b>            |                                |
| <b>First Named Inventor</b>   | Paul Weatherbee                |
| <b>Title</b>                  | Pulsatile Blood Pumping System |
| <b>Art Unit</b>               |                                |
| <b>Examiner Name</b>          |                                |
| <b>Attorney Docket Number</b> | MAE-VVW-3                      |

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

| Name             | Registration Number |
|------------------|---------------------|
| Michael A. Ervin | 45,711              |
|                  |                     |
|                  |                     |
|                  |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name M. A. Ervin (M.A. Ervin & Associates)

Address 8202 Talbot Cove

Address

City Austin

State TX

Zip 78746

Country USA

Telephone 512-329-6085

Fax 512-329-6085

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## **SIGNATURE of Applicant or Assignee of Record**

Name Paul Weatherbee

Signature

Date 4/13/2004

Telephone 325-795-1499

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## SMALL ENTITY ASSERTION

April 13, 2004

Commissioner for Patents  
PO Box 1450  
U. S. Patent & Trademark Office  
Alexandria VA 22313-1450

Re:                      Applicant - Paul Weatherbee  
Docket:                MAE-WW-3  
Title of Application: Pulsatile Blood Pumping Systems

This document is hereby filed with respect to the above named entity and patent application to assert small entity status as required in 37 CFR 1.27 as modified in the September 8, 2000 Federal Register. The Applicant meets the definitions and requirements for small entity status as defined under 37 CFR 1.9(e).

The Registered Agent acting on behalf of the applicant is making the above assertion and also asserts that the regulations regarding small entity status have been reviewed with the Applicant.



Michael A. Ervin  
Registry Number 45,711

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